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BEST AVAILABLE COPY**REMARKS**

Claims 1-22 are pending in the present Application. Claim 3 has been canceled and claims 1 and 18-19 have been amended, leaving claims 1-2 and 4-22 for consideration upon entry of the present Amendment. The Specification has been amended to correct certain typographical errors. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim amendments

Claims 1 and 18-19 have been amended to contain the elements of original claim 3. No new matter has been introduced by these amendments.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-22 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent No. 6,740,413 to Klun et al. ("Klun"). Applicants respectfully disagree.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Klun generally discloses an antistatic composition comprising (a) at least one polymeric salt consisting of (i) at least one polyoxyalkylene ammonium cation, and (ii) a fluorinated anion. (Abstract)

Disclosed polyoxyalkylene ammonium cations include those satisfying the structure

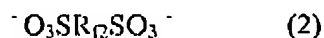


where POA is either a homopolymer or a copolymer that is random, blocked, or alternating, and POA comprises 2 to 50 units represented by the formula $((CH_2)_mCH(R^3)O)$ where each unit independently has m, an integer from 1 to 4, and R^3 . R^3 is independently hydrogen or a lower alkyl group (i.e., containing 1 to 4 carbon atoms). R^1 is independently an alkyl, an alicyclic, an aryl, an alkalicyclic, an arylalicyclic, or an alicyclicaryl group that optionally contains one or more heteroatoms (e.g., sulfur, nitrogen, oxygen, chlorine, bromine, or fluorine). R^2 is independently hydrogen, an alkyl, an alicyclic, an aryl, an alkalicyclic, an arylalicyclic, or an alicyclicaryl group

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that optionally contains one or more heteroatoms (e.g., sulfur, nitrogen, oxygen, chlorine, bromine, or fluorine). And y is an integer from 1 to 4. (Column 4, line 57 to column 5, line 6)

Disclosed fluorinated anions include those satisfying the structures

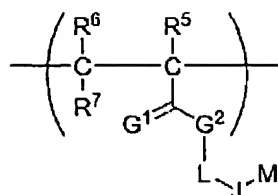


where R_f is independently a perfluoroalkyl, fluoroalkyl, fluoroaryl group. R_f can be cyclic, or acyclic. Typically, R_f comprises from 1 to about 12 carbon atoms, preferably from 1 to about 8, and more preferably from 1 to about 4 carbon atoms. R_f is independently a perfluoroalkylene, fluoroalkylene, or fluoroarylene group. R_f comprises 1 to about 10 carbon atoms, more preferably 2 to about 6 carbon atoms. R_f can also be cyclic or acyclic. Fluoroaryl includes aromatic rings where some or all of the hydrogen atoms are substituted with fluorine atoms or perfluoroalkyl groups....The fluorinated anion can be either monofunctional or multifunctional, i.e., can contain more than one sulfonate group, e.g., difunctional or trifunctional, etc. preferably, the fluorinated anion is monofunctional or difunctional, more preferably monofunctional. (Emphasis added; Column 6, lines 1-38)

Although the polyoxyalkylene ammonium cations is polymeric, none of the anions disclosed in Klun are polymeric.

Independent claim 1 of the present application, as amended, is directed to a composition comprising a thermoplastic polymer; and a polymeric anti-static salt, wherein the polymeric anti-static salt comprises a polymeric anionic component and a cationic component. Independent claims 18 and 19 have been amended to contain the phrase “wherein the polymeric anti-static salt comprises a polymeric anionic component and a cationic component.” Independent claim 17 also includes such an element. Finally independent claim 21 is directed to a polymeric anti-static salt comprising repeating units according to the structure:

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wherein J is a carboxylate or a sulfonate group (anionic groups); and M is an ammonium or phosphonium cationic component. Examples of specific polymeric anionic components include those derived from poly(meth)acrylic acid, polyacrylic acid, poly(ethyl)acrylic acid, poly(maleic acid), poly(vinyl sulfonic acid), or poly(4-styrene sulfonic acid). (See claim 6) As indicated, all of the claims require the polymeric anti-static salt to contain a polymeric anionic component.

Klun does not teach or suggest a polymeric antistatic salt containing a polymeric anionic component, as is required by the claims of the present application. Rather, the polymeric salts of Klun contain (i) at least one polyoxyalkylene ammonium cation, and (ii) a fluorinated anion. In Klun, it is the cationic portion of the polymeric salt that is the polymeric component. The fluorinated anion disclosed in Klun is generally a fluorinated sulfonate and is not polymeric (see R_1 and R_2 of structures (1) and (2) discussed above for the fluorinated anion). As Klun fails to disclose each and every element of the independent claims of the present application, the claims are not anticipated by the reference. Claims 2 and 4-16 all ultimately depend from claim 1; claim 20 is dependent from claim 19; and claim 22 is dependent from claim 21. As these claims contain all of the limitations of the respective independent claim, they are also not anticipated by Klun. Accordingly, reconsideration and removal of the rejections to claims 1-2 and 4-22 are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 13 and 22 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Klun in view of U.S. Patent Application Publication No. 2003/0065071A1 to Scholten ("Scholten"). Applicants respectfully disagree.

Scholten generally discloses a thermoplastic composition comprising (A) 100 parts by weight of a thermoplastic polymer, such as polycarbonate or a blend thereof, (B) 0.0001-10 parts

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by weight of a sulfonic acid phosphonium salt as an antistatic agent, and (C) 0.01-1 parts by weight of a silicone oil based compound as an antistatic activity enhancer.

The sulfonic acid phosphonium salt includes such salts as tetraalkylphosphonium salts of dodecylsulfonic acid or dodecylbenzenesulfonic acid. (See [0016]-[0022]) None of the sulfonic acid phosphonium salts of Scholten contain a polymeric anionic component.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).


As mentioned above, Klun fails to teach or suggest a polymeric anti-static salt containing a polymeric anionic component and a cationic component. Scholten does not provide a teaching or suggestion of a polymeric anionic component either. Accordingly, as all the elements of the present claims have not been disclosed or suggested in Klun or Scholten, either alone or together, the present claims have not been rendered obvious. Accordingly, the Applicants respectfully request reconsideration and removal of the rejections to claims 13 and 22.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862.

Respectfully submitted,

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